

# Exhibit D

**In the Matter Of:**

*ERIC WRIGHT vs*  
*UNITED STATES*

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*KARLA LINTON, LPN*

*October 04, 2016*

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1 20:13, which is 8:13 p.m., correct?

2 A Correct.

3 Q Okay. When you look back on page 17, that one is  
4 indicated at 19:45. So, actually, I'm correcting myself  
5 here.

6 Your first entry into the records would have  
7 been the one on page 17 at 7:45 p.m., correct?

8 A That is when it was signed, yes.

9 Q Is there any way of knowing --

10 Or, excuse me, that indicates at 7:30 an  
11 addendum -- and I'm speaking from page 17 -- an addendum  
12 was made concerning medication, and apparently a notation  
13 about what Dr. Cashion wanted the veteran to take home;  
14 is that correct?

15 A Yes.

16 Q Okay. Did you discuss or do you have any independent  
17 memory today for whether you had any discussion with Dr.  
18 Cashion about the discharge of the patient to go home  
19 that day?

20 A Not to my recollection.

21 Q Okay. You see a lot of patients, correct?

22 A Correct.

23 Q And this is some time ago, correct?

24 A Yes.

25 Q So I just want to establish, you don't have any

1 importance of using ice and elevating, and reminding him  
2 that there was an ortho consult placed on his behalf for  
3 August 4th.

4 Q As you sit here today, do you have any -- do you have  
5 a memory of talking with him that evening?

6 A Yes.

7 Q Okay. Tell me what you remember about Mr. Wright.

8 A I took his care from Jill Palmer when I came on duty.  
9 And he was in room 117 in the urgent care emergency room.  
10 We were awaiting results from an outside facility's  
11 imaging.

12 Q Which is Holy Family?

13 A Correct.

14 Q Okay.

15 A Once we got those results back, if they were negative  
16 the vet would be discharged.

17 I had told him when his ride arrived to let  
18 me know and I would offer him a wheelchair out. He  
19 acknowledged that.

20 I went back to the nurse's station. And I  
21 don't recall how long it was. I saw him up and walking  
22 past the nurse's station. Offered to get him a  
23 wheelchair. He said his friend had arrived to take him  
24 home. He refused the wheelchair.

25 I offered a second time. He again refused,

1 and he ambulated out of the emergency department.

2 I made sure he understood his discharge  
3 paperwork because he had it in his hand.

4 I don't recall if I'm the one that handed it  
5 to him or if Dr. Cashion gave it to him. I went over it  
6 with him.

7 And he left using his own personal crutches,  
8 taking his belongings, and ambulated out of the emergency  
9 department area.

10 Q When did you learn that he had passed away?

11 A I don't recall.

12 Q Well, was it the next day?

13 A Probably a couple of days later, would be my guess.  
14 But I honestly don't know the answer to that, an exact  
15 date.

16 Q Were you surprised that he had expired?

17 A Yes.

18 Q So it's your testimony that someone told you that Mr.  
19 Wright had passed away in the past couple of days?

20 A I'm unclear what you're asking me. I'm sorry.

21 Q Well, you just indicated that you learned you thought  
22 within two days that he had passed away; is that correct?

23 A Two days from the time he had left our emergency  
24 department.

25 Q Correct?

1 117 to go smoke?

2 A No.

3 Q Were you aware that he was on a blood thinning  
4 medication, Warfarin?

5 A Yes.

6 Q And what risks, if you know, arise from being on  
7 Warfarin?

8 A It's a blood thinner, so you can run the risk of  
9 bleeding more easily than others. Simple bumps and  
10 bruises can cause excessive bleeding.

11 Q And I understand you knew that when he was heading  
12 out the door on his crutches; is that correct?

13 A Yes.

14 Q Have you on prior occasions with other patients  
15 wheelchaired them to their vehicle?

16 A Yes.

17 Q Have you gone out into the parking lot area or toward  
18 where the bus stops to bring patients back in who may  
19 have fallen or had some other medical problem?

20 A Not that I can think of immediately off the top of my  
21 head.

22 Q Okay. Did you have any discussion with any doctor or  
23 other nurse concerning whether he was going to be  
24 admitted or not to the hospital?

25 A No, not admitted.

1 Q Did you have any communications at all with Dr.  
2 McManus?

3 A Not that I recall.

4 Q Did you have any communication or discussions with  
5 Dr. Cashion concerning this patient?

6 A Not that I can recall, but I would assume yes.

7 Q And why would you assume yes?

8 A Because there were orders written. So we generally  
9 communicate with the doctors. That way they would tell  
10 us they were writing orders.

11 Q Did anyone tell you that when you came on shift that  
12 Mr. Wright was a fall risk?

13 A Not that I recall.

14 Q Is someone who is on crutches, are they considered a  
15 fall risk just because they're on crutches?

16 A Not necessarily, no.

17 Q When they are on crutches, and they are in for a leg  
18 injury, do you consider that to be a fall risk?

19 A That could be, yes.

20 Q That is a "yes"?

21 A Yes.

22 Q Were you aware that he was suspected to have a  
23 possible DVT situation?

24 A Yes.

25 Q Did you ever examine his leg?

1 A No.

2 Q Were you told about the condition of his leg that he  
3 was complaining about when the shift changed?

4 A Yes.

5 Q And was that information transferred to you by the  
6 prior nurse who had been attending to him?

7 A Yes.

8 Q And who was that?

9 A Jill Palmer.

10 Q Do you remember what she told you as you sit here  
11 today?

12 A No.

13 Q Can you tell me how you approached the subject of  
14 providing him with a wheelchair to go to his vehicle?  
15 What you would have said to him, if you remember?

16 A I don't recall exact words.

17 Q You said he refused a wheelchair.

18 A (Nods head).

19 Q Do you remember what he -- what his exact words were?

20 A No, I don't remember his exact words.

21 Q Did you ask or inquire of Dr. Cashion, if you can  
22 remember, how he should be -- whether he should be  
23 allowed to go out on his crutches to his vehicle or not?

24 A I don't recall.

25 Q Did anyone order you to escort him to his vehicle?

1 A No.

2 Q Prior to him leaving, did you have the opportunity to  
3 watch him ambulate with his crutches?

4 A Yes.

5 Q And you specifically remember that day?

6 A Yes.

7 Q Okay. Tell me where he started his ambulation and  
8 where the last time is that you saw him.

9 A I was sitting at the nurses' station. He had come  
10 out of 117, and I saw him ambulate around the front of  
11 the nurses' station and out into the lobby.

12 Q Did he appear to be ambulating okay to you?

13 A Yes.

14 Q If he was ambulating okay, why did you offer to have  
15 him get into a wheelchair to be taken out to his vehicle?

16 A Because he had been in for a possible DVT and was  
17 complaining of leg pain.

18 Q Did you have the authority to tell him that "For your  
19 own safety, it's necessary that I put you in a wheelchair  
20 to get you to your vehicle"?

21 A I suppose, yes, I have authority to say that.

22 Q But you didn't do that, correct?

23 A No.

24 Q You did have concern about you --

25 You did have concern that he was a fall risk,

1 personal belongings."

2                   Given that particular statement, do you stick  
3 with your testimony now that you had seen him earlier  
4 with the friend but you're not sure that he was with the  
5 friend leaving the hospital out the door?

6 A   He had told me his friend was picking him up. I had  
7 seen the friend earlier, but I did not see the friend at  
8 the very time that the patient left the emergency  
9 department.

10 Q   Were you aware that Mr. Wright had been there for  
11 over eight hours at the hospital when he was discharged?

12 A   I don't recall at this time. I may have at that  
13 time, yes.

14 Q   Did you know at the time that he was discharged that  
15 Dr. McManus had anticipated earlier that he would be  
16 admitted?

17 A   I don't --

18                   MR. O'HALLORAN: Object to the form.

19                   MS. MITCHELL: Join.

20 A   I don't recall.

21 Q   (By Mr. Eymann) So are you saying you could have  
22 known that but you don't remember?

23 A   Yes.

24 Q   Were you aware that he was due back a couple of days  
25 later to see an orthopedic --

1 physician is taking action or not taking action that  
2 might harm or be unsafe for a patient, what are the  
3 nurse's responsibilities?

4 A To go through chain of command.

5 Q Okay. And when you say "Go through chain of  
6 command," what does that mean?

7 A I -- you would go to your next person in command. So  
8 I would have gone to Libby and voiced any concerns.

9 Q Okay. And did you do that?

10 A Yes.

11 Q Okay. Who is Libby?

12 A I'm sorry, Elizabeth Whitley.

13 Q So was Elizabeth Whitley the charge nurse that night?

14 A Yes.

15 Q And once you talked to Elizabeth Whitley, if Miss  
16 Whitley felt there was any concern about the discharge,  
17 what would be her responsibility?

18 MR. EYmann: Objection. Calls for  
19 speculation.

20 Q (By Mr. O'Halloran) As far as chain of command goes,  
21 what would be her responsibility, if you know?

22 A To the provider, or we have a nursing supervisor as  
23 well.

24 Q Okay. Do you know if anyone contacted the nursing  
25 supervisor that night?

1 A I don't, no.

2 Q Okay. When you raised the issue about a CT scan with  
3 nurse Whitley, did she indicate that she had any concern  
4 about the discharge?

5 A She did not.

6 Q Okay. And she had been with Mr. Wright during the  
7 examination; is that correct?

8 A Yes.

9 Q Do you know how long Miss Whitley has worked in the  
10 ER at the VA in Spokane?

11 A I don't have an exact time, no.

12 Q Was she working there at the time you started?

13 A No.

14 Q She came after?

15 A Yes.

16 Q Do you know where she'd worked prior to that?

17 A I believe she was in float pool, but I don't know for  
18 certain.

19 Q Was she --

20 She was the charge nurse that night; is that  
21 correct?

22 A Yes.

23 Q Okay. Were you responsible in any way for the  
24 discharge instructions the second time Mr. Wright left  
25 that evening?